IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 6884/2005

(Smt. Sangeeta Sharma Vs. State of Rajasthan & Anr.)

Date of Order : 29/03/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. H.S.Srimalee for the petitioner.

Mr. B.L.Tiwari, Dy. G.A. for the respondents.

BY THE COURT:-

Counsel for the petitioner submits that petitioner is eligible for the appointment on the post of Teacher Gr-III in Primary/ Upper Primary School as advertised by Annex.1.

Learned Deputy Government Advocate appearing for the respondent State submits that the petitioner has not passed the secondary examination with Maths subject and therefore, the controversy involved in the instant case stands covered by the decision of this Court in Smt. Sarita and 10 Ors. Vs. State and Another 2006 (2) WLC (Raj.) 769 wherein this Court while considering the similar contention and interpreting the provision of Rule 266 (3) of the Rajasthan Panchayati Raj Rules, 1996

held that the provision of the said Rule has the purpose, and has been holding field for long time, the expression used in Rule 266 (3) "with five subjects, three of them should be mathematics, Hindi and English", obviously means, that out of the five subjects, he should have passed in the three subjects i.e. Mathematics, Hindi and English.

In the instant case, the petitioner has not passed the Secondary Examination with Mathematics as admitted by the petitioner in para 7 of the writ petition wherein the petitioner stated that she was not having mathus in her Secondary School Examination.

In this view of the matter, the writ petition has no force and it is therefore, dismissed in view of the decision of this Court in Smt. Sarita and 10 Ors. Vs. State and Another (supra). Stay petition also stands dismissed. There shall be no order as to costs.

(H.R.PANWAR),J.

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